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Examiner: E. Cherry  
Group Art Unit: 2872

#### REMARKS

Claims 1-16 were in the application as filed. The Examiner has rejected claims 1-16 under various grounds of 35 U.S.C. §§ 102 and 103 as well as objected to claims 2-16 based on various informalities supposedly contained in the claims. The rejections and objections are each respectfully traversed.

In this paper, Applicants have amended the claims as shown above to more particularly and distinctly claim the subject matter that Applicants believe to be their invention and not for the purpose of avoiding prior art. No new matter has been added by the foregoing amendment, full support therefor being shown in the drawings and specification as filed.

Claims 1-16, as amended where noted, remain in the application and are believed by the Applicant to be allowable. Further examination and reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

#### Claim Objections

The Examiner has objected to claims 2-16 because of various informalities. These objections are respectfully traversed.

More specifically, the Examiner has objected to:

- the phrase "the positional memory module" in claims 2-6 as lacking proper antecedent basis,
- the phrase "can be" in claims 2 and 5 as allegedly rendering these claims unclear,
- the phrases "the first selected position" and "the first electrical output signal" in claim 5 as allegedly lacking proper antecedent basis, and
- the phrases "the first output signal" in claim 7 and "the second output signal" in claim 8 as allegedly lacking proper antecedent basis.

The Applicants have made appropriate correcting amendments to these claims to address the Examiner's objections and these objections should be withdrawn and the claims deemed allowable.

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Of note, the Examiner has also objected to the phrases "one of the positional memory element" and "the other of the positional memory element" in claim 10 as allegedly rendering the claim indefinite "because there is only one positional memory element is [sic] disclosed in claim 1. It is not clear what these elements are referring to" and has required an appropriate correction. The Applicants assert that the language of claim 10 is, indeed, definite. The Applicants respectfully suggest that the Examiner has not read the claim language completely: the phrase, it its entirely reads "one of the positional memory element and the frame" and "the other of the positional memory element and the frame" to define the respective structures associated with the wiper and contact in claim 10. It is believed that this is proper claim language and the objection to claim 10 should be withdrawn.

**Claim Rejections - 35 USC § 102**

Claims 1-9 and 12-16 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Bugno et al (US 6,140,933). This rejection is respectfully traversed.

The Applicants respectfully suggest that the Examiner may have misapplied the Bugno patent to the claims of this case. Bugno '933 discloses an internal vehicular rearview mirror assembly having a mirror carrier 120 having a mirror 140 mounted thereon. The focus of the Bugno '933 reference is the provision of a compass display 400 to the driver which is corrected by a tilt detector 500 for detecting when the mirror carrier 120 has been tilted from a prior position and for generating and transmitting a tilt detection signal to a processing circuit for compensating the compass reading on the display 400 or recalibrating the compass display 400.

Claim 1 as amended calls for a vehicular rearview mirror assembly, comprising: a frame; a reflective element attached at the frame for providing an occupant of the vehicle with a rearward view; a motorized tilt actuator attached at the frame and the reflective element adapted for selectively tilting the reflective element relative to the frame; and a positional memory element located away from the tilt actuator and interposed between the frame and the reflective element, wherein a position of the reflective element is correlated to an output signal from the

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positional memory element so that movement of the reflective element from a first position to a second position results in a change in said output signal.

Bugno '933 relates to a device for correcting a compass display on an internal vehicular mirror when the internal vehicular mirror is repositioned. Bugno '933 in no way relates to a vehicular mirror with a motorized tilt actuator for selectively tilting a reflective element relative to a frame. In fact, it appears the vehicular mirror assembly in the Bugno '933 reference is a manually positionable mirror and in no way relates to a motorized actuator which physically performs the tilting of the mirror relative to a frame.

In addition, Bugno '933 does not disclose a positional memory element located away from a motorized tilt actuator and interposed between a frame and a reflective element, wherein a position of the reflective element is correlated to an output signal from the positional memory element so that movement of the reflective element from a first position to a second position results in a change in the output signal.

This claim 1 patentably defines over the Bugno '933 reference and is, therefore, allowable over the Bugno '933 reference. In addition, claims 2-9 and 12-16, which depend either directly or indirectly from claim 1 as amended, are also allowable for the same reasons.

#### **Claim Rejections - 35 USC § 103**

Claims 10 and 11 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Bugno '933. This rejection is respectfully traversed.

Claims 10-11 depend either directly or indirectly from claim 1 as amended, and are also allowable for the same reasons set forth above with respect to claim 1. Further, there is no teaching, suggestion or motivation in Bugno '933 to modify the teachings of Bugno '933 with the subject matter of claims 10-11. Therefore, claims 10-11 are allowable.

#### **CONCLUSION**

For the reasons discussed above, all claims remaining in this application are in condition for immediate allowance. It is submitted that all of the pending claims are allowable over the

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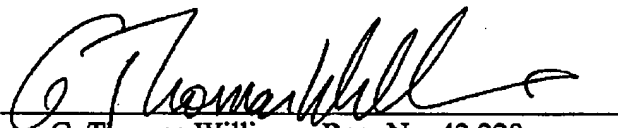
prior art of record. Early notification of allowability is requested.

If there are any remaining issues which the Examiner believes may be resolved in an interview, the Examiner is invited to contact the undersigned.

IAN BODDY ET AL.

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By:



G. Thomas Williams, Reg. No. 42,228  
McGARRY BAIR PC  
171 Monroe Avenue, NW, Suite 600  
Grand Rapids, Michigan 49503  
616-742-3500

G0180455